

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1160

[DA-98-09]

#### Fluid Milk Promotion Program; Notice of Referendum

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of referendum.

**SUMMARY:** This document announces that a referendum will be held to determine whether fluid milk processors favor the continuation of the Fluid Milk Promotion Order. The National Fluid Milk Processor Board, which administers the order, requested the action. The order will remain in effect if at least 50 percent of the fluid milk processors voting in the referendum favor its continuation and those processors marketed in July 1998 at least 60 percent of the fluid milk products sold in the United States by all processors voting in the referendum.

**DATES:** The referendum will be held November 9-16, 1998. The representative period for establishing voter eligibility will be July 1998.

**FOR FURTHER INFORMATION CONTACT:** Shirley Flood, Referendum Agent, USDA/AMS/Dairy Programs, Room 2753, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9374.

**SUPPLEMENTARY INFORMATION:** This document announces that a referendum will be conducted on November 9-16, 1998, among fluid milk processors to determine whether the Fluid Milk Promotion Order should continue. The Order is authorized by the Fluid Milk Promotion Act of 1990, as amended by the Fluid Milk Promotion Amendments Act of 1993 and 1996. The program is funded by a mandatory 20-cent assessment on processors whose monthly marketing exceeds 500,000 pounds of fluid milk products sold in the United States.

The Fluid Milk Promotion Order, which became effective December 10, 1993, provides that the Secretary shall conduct a continuation referendum at the request of the Board or any group of fluid milk processors which represents 10 percent or more of the fluid milk products marketed in the United States by all fluid milk processors voting in the preceding referendum. The order will remain in effect if at least 50 percent of the fluid milk processors voting in the referendum favor its continuation and those processors marketed during the representative period (as determined by the Secretary) at least 60 percent of the fluid milk products marketed in the United States by all processors voting in the referendum.

The month of July 1998 is hereby determined to be the representative period for the conduct of such referendum. Fluid milk processors who wish to participate in the referendum will have to register to vote by certifying that they were processors during the month of July 1998. Those handlers processing and marketing more than 500,000 pounds of fluid milk products during the month of July 1998 will be eligible to vote in the referendum, provided they are fluid milk processors at the time of voter registration and during the time the referendum is conducted.

It is hereby directed that a referendum be conducted during the period of November 9-16, 1998, in accordance with the procedure for the conduct of referenda (7 CFR 1160.600 *et seq.*), to determine whether the Fluid Milk Promotion Order is approved by fluid milk processors who, during the representative period, were engaged in the distribution of fluid milk products within the 48 contiguous United States and the District of Columbia.

Shirley Flood is hereby designated as the agent of the Secretary to conduct such referendum.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the forms and reporting and recordkeeping requirements that are included in the Fluid Milk Promotion Order have been approved by the Office of Management and Budget (OMB) and were assigned OMB No. 0581-0093, except for Board members' nominee information sheets that were assigned OMB No. 0505-0001.

**Authority:** 7 U.S.C. 6401-6417.

Dated: September 16, 1998.

**Enrique E. Figueroa,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-CE-29-AD]

RIN 2120-AA64

#### Airworthiness Directives; Puritan-Bennett Aero Systems Company C351-2000 Series Passenger Oxygen Masks and Portable Oxygen Masks

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to any aircraft equipped with Puritan-Bennett Aero Systems Company (Puritan-Bennett) C351-2000 series passenger oxygen masks and portable oxygen masks. The proposed AD would require inspecting the passenger and portable oxygen masks for tears around the face cushion adjacent to the inner mask housing, and replacing or repairing any torn passenger or portable oxygen mask. Reports received from three airplane manufacturers of defective oxygen masks prompted the proposed action. The actions specified by the proposed AD are intended to prevent reduced oxygen consumption when passengers are required to use defective oxygen masks, which could result in passenger injury.

**DATES:** Comments must be received on or before November 26, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-29-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from